

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JOSEPH DEAN HAMILTON
#146084

PLAINTIFF

V.

CASE NO. 4:19-cv-00599 JM

CYNTHIA COFFEY, *et al.*

DEFENDANTS

ORDER

Plaintiff Joseph Dean Hamilton commenced this action *pro se* against Defendants Cynthia Coffey and Jeffery Phillips. (Doc. No. 1). Hamilton wants to press criminal charges against Coffey and Phillips for violating 18 U.S.C. § 1028, a criminal statute. (*Id.*) To the extent Hamilton intended to bring this case as a civil rights action, his claims are frivolous: he has not alleged the violation of a federally-protected civil right and the Court cannot provide the relief requested. *See* 42 U.S.C. § 1983. Further, the alleged unlawful action took place in 2013 and 2014, outside of the statute of limitations for § 1983 cases. *See Miller v. Norris*, 247 F.3d 736, 739 (8th Cir. 2001). Because his claims are frivolous, the Court will not request Hamilton to file an application to proceed *in forma pauperis*. *See Carney v. Houston*, 33 F.3d 893, 895 (8th Cir. 1994). Hamilton's Complaint is dismissed as frivolous and this case is dismissed. This Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an *in forma pauperis* appeal taken from this Order and accompanying Judgment is considered frivolous and not in good faith.

IT IS SO ORDERED this 30th day of August, 2019.


UNITED STATES DISTRICT JUDGE